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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,062	03/06/2002	Brian R. Beams	05222.00183	5464

29638 7590 10/28/2005

BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE  
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EXAMINER

HOLMES, MICHAEL B

ART UNIT PAPER NUMBER

2121

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/018,062	<b>Applicant(s)</b> BEAMS ET AL.	
	<b>Examiner</b> Michael B. Holmes	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



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## Examiner's Detailed Office Action

### Response to Amendment

1. This Office Action is responsive to communication received on August 18, 2005.  
Amendment under 37 CFR § 1.111. Reconsideration and allowance of the present application is respectfully requested by applicant.
2. Applicant's arguments filed August 18, 2005 have been fully considered, however, they are not persuasive.

### Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by  
*Cook et al.* (USPN 5,727,950).

Regarding claim 1, 10 & 11. *Cook et al.* teaches a method, apparatus & computer program product for establishing a collaborative training session, comprising the steps of:

- (a) receiving information indicative of a goal [*see* Fig. 1 & Abstract, *Examiner interprets a goal to be the end toward which an effort is directed or more appropriately an intention and in this case the intention is learning*, C 6, L 57-65];
- (b) prompting a user to enter a response congruent with the goal [*see* Fig. 2A & C 6, L 37-49 & L 57-65];
- (c) receiving the response to the goal [*see* Fig. 2A & C 6, L 37-49 L 57-65];
- (d) calculating a level of congruency to achieve the goal by:
  - (d)(i) logic and code segment that determining a first factor corresponding to an overall progress of the user in the collaborative training session [*see* Abstract];
  - (d)(ii) logic and code segment that determining a second factor corresponding a plurality of specified aspects of the response that includes a correctness measure of the response [*see* C 27, L 26-43]; and
  - (d)(iii) logic and code segment that combine(s) the first factor and the second factor to obtain the level of congruency [*see* FIG. 8, C 55, L 37 to C 57, L 08]; and
- (e) providing feedback to the user from a collaborative session reflecting the level of congruency to assist the user in achieving the goal [*see* C 5, L 46-55].

Regarding claim 2-5, 8, 9, 12-15, 18 & 19. *Cook et al.* teaches a plurality of servers that are coupled through a computer network [*see* Abstract, C 1, L 53-64, Fig. 2A & C 6, L 50-56].

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Regarding claim 6, 7, 16 & 17. *Cook et al.* teaches a method wherein the training session is presented using prerecorded multimedia [see C 2, L 30-52 & C 4, L 34 to C 5, L 3].

Regarding claim 20. The method of claim 1, wherein one of the plurality of specified aspects includes a delivery characteristics associated with the response from the user [see C 5, L 46-55].

## Response to Arguments

7. Applicant argues *Cook et al.* (USPN 5,727,950) fails to teach calculating a level of congruency and fails to teach “determining a first factor corresponding to an overall progress of the user in the collaborative training system,” [see Abstract], “determining a second factor corresponding a plurality of specified aspects of the response that includes a correctness measure of the response,” [see C 27, L 26-43], and “combining the first factor with the second factor to obtain the level of congruency.” It is the examiner’s position that *Cook et al.* (USPN 5,727,950), satisfies the *prima facie* bar for anticipation under Section 102.

## Examiners Summary

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### Correspondence Information

10. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email [Michael.holmesb@uspto.gov](mailto:Michael.holmesb@uspto.gov).

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

  
**Anthony Knight**  
Supervisory Patent Examiner  
Group 3600

**Michael B. Holmes**  
Patent Examiner  
Artificial Intelligence  
Art Unit 2121  
United States Department of Commerce  
Patent & Trademark Office

*Tuesday, October 25, 2005*

*MBH*